

REMARKS

The present Amendment and Response is in response to the Office Action, dated November 17, 2003, where the Examiner has rejected claims 1-32. By the present Amendment and Response, applicants have cancelled claims 1-8. Accordingly, after the present Amendment and Response, claims 9-32 are pending in the application. Reconsideration and allowance of pending claims in view of the amendments and the following remarks are respectfully requested.

A. Rejection of Claims 1-32 under 35 USC § 102(e)

The Examiner has rejected claims 1-32 under 35 USC § 102(e), as being anticipated by Tonnby et al. (USPN 6,515,996) (hereinafter "Tonnby"). Applicants respectfully disagree.

In order to expedite the prosecution of the present application, applicants have cancelled claims 1-8. Therefore, the Examiner's rejection of claims 1-8 has been rendered moot.

Regarding the Examiner's rejection of claim 9, the Examiner's attention is directed to FIG. 2 of the present invention, where device driver 222 is shown to be running on the host computer 140 for driving the access hardware 220, including voice module 202.

First, to place the access server system 200 in perspective with respect to the telephony system of Tonnby, it should be noted that unlike Tonnby, the access server system 200 of the present application is not at the user side, but it is in fact at the opposite side or the network side of the communication system. Mainly for that reason, the analogies drawn by the Examiner between various components of Tonnby at the user side and the components of the access server system 200 at the network side do not hold.

For example, in rejecting claim 9, the Examiner equates device driver 222 to modem 4 of Tonnby. (See Office Action, page 4, lines 11-12). It is respectfully submitted that a device

driver has a well-known meaning in the art, and one of ordinary skill in the art would not understand that a device driver performs modulation and demodulation or that a device driver is a modem. In fact, a device driver, such as the device driver 220, is designed to run on an operating system for low level communications with a modem device. Therefore, the device driver 220 cannot be the same as modem 4 of Tonnby.

Further, the Examiner equates modem module 116 of FIG. 2 to personal computer 2 of Tonnby and voice module 202 to telephony application 12 of Tonnby. (See Office Action, page 4, lines 12-13). The fallacy of these analogies becomes very apparent when read into the last two elements of claim 9, which recite: “an establishment module configured to process said voice connection request, and configured to establish a modem interface for use with said modem API for communicating data related to said plurality of modem calls and establish a voice interface for use with said voice module; and an interaction module configured to convert said data received through said modem interface to generate converted data for use by said voice module, and configured to transport said converted data through said voice interface to said voice module”. According to the Examiner's analogy, the establishment module in modem 4 of Tonnby is configured to establish a modem interface with modem API in PC 2 and, also, the establishment module in modem 4 of Tonnby is configured to establish a voice interface with voice module or telephony application 12 in PC 2. Further, according to the Examiner's analogy, the interaction module of modem 4 must receive data through the modem interface (i.e. from modem API of PC 2), convert the data and transport the converted data to voice module or telephony application 12 in PC 2. In other words, modem 4 receives the data, converts the data

and sends the converted data back to modem 4. Clearly, this is not what is done in Tonnby or the access server system 200 of the present application.

Further, the Examiner cites col. 4, lines 22-48 of Tonnby to show that Tonnby anticipates the establishment module of claim 9, which includes establishing “a voice interface for use with the voice module.” (See Office Action, page 4, line 22.) However, there is no reference to telephony application 12, in col. 4, lines 22-48, which the Examiner has stated to be the same as voice module 202 of the present application.

Therefore, applicants respectfully submit that modem 4 of Tonnby is not the same as the device driver of claim 9. Further, Tonnby does not disclose, teach or suggest a device driver that spoofs the API and/or the operating system, so that they treat a voice module (202) as a modem module. (See page 14, lines 13-18 of the present application; and the establishment module and the interaction module of claim 9.)

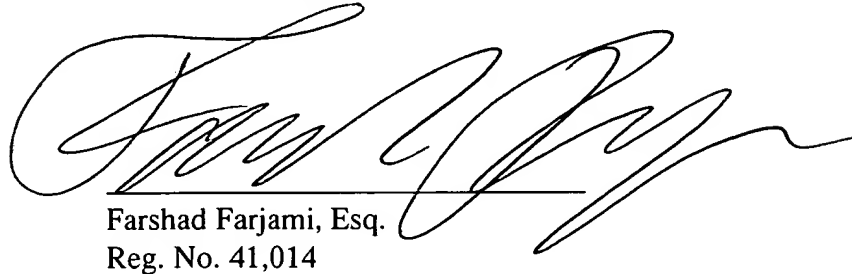
Accordingly, at least for the reasons stated above, it is respectfully submitted that claim 9 and its dependent claims 10-16 should be allowed.

Furthermore, independent claims 17 and 25 include limitations similar to those of claim 9, and thus, claims 17 and 25, and their respective dependent claims 18-24 and 26-32 should also be allowed.

B. Conclusion

For all the foregoing reasons, an early allowance of claims 9-32 pending in the present application is respectfully requested. The Examiner is invited to contact the undersigned for any questions.

Respectfully Submitted;
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